

### **Remarks**

Claims 1-22 are pending.

#### **Rejections under 35 U.S.C. § 102**

Claims 1-22 were rejected under 35 U.S.C. 102(e) as being anticipated by Muller et al. (U.S. Patent No. 6,453,360)("Muller"). This rejection is respectfully traversed. Although there are numerous differences between Muller and the claimed inventions, only a few will be discussed below for sake of brevity. In addition, as discussed below, the present application claims priority from a Provisional U.S. Patent Application No. 60/117,226 filed on January 26, 1999 which predates Muller.

The standards utilized in a section 102 rejection are well known. For a prior art reference to support a section 102 rejection, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). In addition, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

For a section 102 rejection to be valid, the cited prior art reference must disclose all features of the claimed inventions. As is well known, a claim is anticipated only if each and every features as set forth in the claim is found, and the identical invention must be shown in as complete detail as is contained in the claim. Applicants respectfully submit that Muller does not disclose all features of independent claims 1, 13, 19, and 20.

With regard to claim 1, Applicants respectfully submit that the portions of Muller cited by the Office do not disclose or suggest the features of:

serializing the storage data using storage encapsulation protocol headers to generated serialized storage data;

encapsulating the serialized storage data using a simple transport protocol to generate simple transport protocol data segments of the storage data; and

encapsulating each of the simple transport protocol data segments into Ethernet frames.

Applicants submit that the cited portions of Muller does not disclose or suggest the usage of storage encapsulation protocol (SEP) or simple transport protocol (STP). As discussed in *Richardson v. Suzuki*, for a section 102 rejection to stand, the identical invention must be shown in as complete detail as is contained in the claim. Applicants submit that because the portions of Muller cited by the Office does not disclose or suggest usage of SEP or STP, Muller does not disclose the identical invention in as complete detail as is contained in the claim. Therefore, the Muller fails to disclose all of the features of claim 1 as is required under a section 102 rejection.

In addition, with respect to independent claim 13, because Muller does not disclose usage of STP or SEP as discussed above, Muller does not disclose each and every feature claimed in claim 13 and therefore Muller does not anticipate the claimed subject matter of claim 13. Therefore, Applicants respectfully submit that claim 13 is allowable for at least the reasons discussed above with respect to claim 1.

With respect to independent claims 19 and 20, as described above, the portions of Muller cited by the Office does not disclose usage of STP. Therefore, Applicants respectfully submit that Muller does not disclose every feature of the claimed inventions as is required under a section 102 rejection. Consequently, Applicants submit that claims 19 and 20 are allowable. With regard to the dependent claims, the Applicants submit that the cited prior art references do not disclose all the features of the dependent claims and traverse the rejection of those claims.

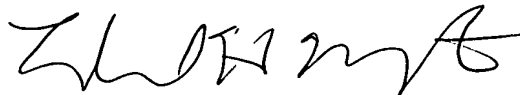
In addition, the present patent application claims priority from U.S. Provisional Patent application No. 60/117,226 filed on January 26, 1999. The Muller reference has a filing date of March 1, 1999. Therefore, the provisional application, from which the present patent application claims priority, predates the Muller reference. Applicants respectfully submit that the subject matter

included in the above-referenced provisional patent application supports the claimed inventions in independent claims 1, 13, 19, and 20. Consequently, Applicants submit that Muller is not a proper section 102 reference because Muller was filed after the aforementioned provisional patent application. Therefore, Applicants submit that all of the independent claims 1 and 13, 19, and 20 are allowable and request that the section 102 rejection based on Muller be withdrawn.

The dependent claims are submitted to be patentable for at least the same reasons as independent claims 1 and 13, 19, and 20 are patentable over the cited art of record.

Applicants respectfully submit that all of the pending claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (408) 749-6900, ext. 6911. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge Deposit Account No. 50-0805 (Order No. ADAPP085B). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,  
MARTINE & PENILLA, L.L.P.

A handwritten signature in black ink, appearing to read 'Edmund H. Mizumoto', is written over the printed name.

Edmund H. Mizumoto, Esq.  
Reg. No. 46,938

710 Lakeway Drive, Suite 170  
Sunnyvale, CA 94085  
Telephone: (408) 749-6900  
**Customer Number 25920**